

Application No. 10/066994
Page 6

Amendment
Attorney Docket No. S63.2B-9090-US01

REMARKS

This Amendment is in response to the Office Action dated January 3, 2006. Each issue is discussed below.

§112 Rejections

It is asserted in the rejection that claim 68 recites the limitation "the retaining sleeve" without providing proper antecedent basis.

In response, Applicant has amended the claim to remove the antecedent basis issue.

§102 Rejections

(1)

Claims 61, 63, 65 and 67 were rejected under 35 U.S.C. 102(b) as being anticipated by Ferrera (6240231). It is asserted in the rejection that Ferrera, in Fig. 22 for example, discloses an embodiment of connecting proximal shaft of tubing 132 of nitinol to distal shaft 136/138 by heat shrink tubing 118 (from line 64, col. 11, to line 14, col. 12).

Although Applicant respectfully disagrees, to further distinguish the claimed invention from the cited art, claim 61 has been amended. As to the wire mesh braid 136, there is no communication between a lumen of the wire mesh braid 136 and a lumen of the reinforcing tube 132 because the wire mesh braid 136 is completely around the reinforcing tube 132. Also, neither the wire mesh braid 136 nor the marker 138 is in fluid communication with the reinforcing tube 132, as required by claim 61. Withdrawal of the rejection is therefore requested.

(2)

Claims 61, 63-64, 68-72 and 74 were rejected under 35 U.S.C. 102(e) as being anticipated by Holman et al. (6837897). It is asserted in the rejection that Holman in Figs. 11-12 shows polymeric proximal shaft 105 having port 162a, retaining sleeve 144 having port 162b, distal shaft 116 having port 162c and inner shaft 108 as recited in the claims. Notice that sleeve 144 should be made of the same material as proximal shaft 105 so that they can be welded

Application No. 10/066994
Page 7

Amendment
Attorney Docket No. S63.2B-9090-US01

together.

Applicant respectfully disagrees. Among other reasons, the device shown in figures 11-12 of Holman et al. does not have a heat shrinkable sleeve as required by the claims. In addition, item 105 shown in figures 11-12 is a *distal* outer tube (column 8, line 19) not a proximal shaft, as asserted in the rejection. As to newly amended claim 68, the device shown in figures 11-12 of Holman et al. does not have a port which is positioned between the first and second ends of a heat shrinkable sleeve. For these and other reasons, the cited reference does not disclose each element of the claimed invention. As such, withdrawal of the rejection is respectfully requested.


Miscellaneous

New claim 88 has been added.

The application should now be in condition for allowance. Allowance is therefore earnestly solicited. If the Examiner would like to further discuss the case, he is encouraged to contact the undersigned.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

By: 

William E. Anderson II
Registration No.: 37766

Date: March 23, 2006

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\wea\09090us01_amd_20060323.doc